

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

CHARLES S. WASHINGTON (1)

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Case No. 4:03cr169
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 3, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Maureen Smith.

On August 6, 2004, Defendant was sentenced by the Honorable Richard A. Schell to sixty (60) months' custody followed by three (3) years of supervised release for the offense of Use, Carrying or Possession of a Firearm During, in Relation to and in Furtherance of a Drug Trafficking Crime. On October 10, 2008, Defendant completed his period of imprisonment and began service of his supervised term.

On December 21, 2010, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions: two allegations that he not commit another federal, state, or local crime. The petition asserted that Defendant violated the following standard conditions: (1) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; (2) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law

enforcement officer; (3) the defendant shall support his dependents and meet other family responsibilities; (4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; and (5) the defendant shall report to the probation officer as directed by the Court or probation officer and shall submit a truthful and complete written report within the first five days of each month. The petition asserted that Defendant violated the following special condition: under the guidance and direction of the U.S. Probation Office, the defendant shall participate in any combination of psychiatric, psychological, or mental health treatment, including anger management, as deemed appropriate by the treatment provider.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations two, three, four, five six, seven, and eight. Allegation one was dismissed by agreement of the parties. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit, or a unit closest to the Sherman/Denison area.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 8th day of March, 2011.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE